

April 15, 2020

LETTER-MOTION – FILED VIA ECF

The Honorable Alison J. Nathan
 United States District Judge
 Southern District of New York
 40 Foley Square, Room 2102
 New York, New York 10007

The Initial Pretrial Conference in this matter is
 hereby adjourned to May 22, 2020 at 3:45 P.M.

Re: *Johnson v. Classic Material NY LLC* (Civil Action No. 1:19-cv-10529-AJN)
Request for Adjournment of Initial Pretrial Conference

Dear Judge Nathan,

We represent the Plaintiff, Eric Johnson, in the above-referenced action. We write to respectfully request an adjournment of the Initial Pretrial Conference (“IPTC”) currently scheduled for Tuesday, April 21, 2020 at 3:30 p.m. (see Dkt. 16).

The reason for this request is that Defendant has not appeared in this action (despite having been served on January 10, 2020 [see Dkt. 11]), and Plaintiff’s counsel has not received any communication regarding this matter whatsoever from Defendant (or counsel for Defendant) to date. As such, Plaintiff’s counsel has been unable to confer with Defendant on the matters set forth at Fed. R. Civ. P. 16, or on preparing a proposed scheduling order. Furthermore, because Defendant failed to respond to the Complaint in a timely manner, Defendant is presently in default (see Dkt. 15). Though Plaintiff’s counsel is presently making final efforts to engage Defendant in settlement negotiation before doing so, Plaintiff presently intends to seek entry of default judgment against Defendant if its settlement efforts (continue to) prove unfruitful – which would avert the need for the IPTC to take place.

Accordingly, undersigned counsel respectfully proposes rescheduling the IPTC to Friday, May 8, 2020, Friday, May 15, 2020, or Friday, May 22, 2020, or such other date convenient to the Court, to allow further time for possible settlement discussion, or for Plaintiff to file for default judgment.

This is Plaintiff’s first request for adjournment of the IPTC. As Defendant has not yet appeared and Plaintiff is unaware of Defendant having engaged counsel in this action, Plaintiff has been unable to obtain Defendant’s consent to this request.

Thank you for your time and consideration.

Very truly yours,

Alexander Malbin, Esq.
Counsel for Plaintiff, Eric John

4/20/20

SO ORDERED.
 ALISON J. NATHAN, U.S.D.J.

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